

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

July 26, 2001

The Board of Education and the Board of Vocational Education met for the regular business meeting in Senate Room B at the General Assembly Building, Richmond, Virginia, with the following board members present:

Mr. Kirk T. Schroder, President	Mr. Scott Goodman
Mr. Mark C. Christie	Dr. Gary L. Jones
Mrs. Audrey B. Davidson	Mrs. Ruby W. Rogers
Mrs. Susan L. Genovese	
	Dr. Jo Lynne DeMary, Superintendent of Public Instruction

Mr. Schroder, president, presided and called the meeting to order at 9:15 a.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Schroder asked for a moment of silence and led in the Pledge of Allegiance.

APPROVAL OF THE MINUTES OF THE BOARD

Mrs. Genovese made a motion to insert the following on page 148 of the June 21, 2001 minutes of the Board:

At the conclusion of the task force report, the members of the Board of Education and SCHEV discussed actions that should be taken to continue the priorities established by the task force. The Board and SCHEV agreed to take three actions:

1. The task force's recommendation to form a permanent Task Force on the K-12 Teaching Profession in Virginia was accepted. The current task force members will meet for one more meeting, then a new task force will be named by the Board and SCHEV. The new task force's membership will represent the various constituencies involving the K-12 teaching profession. The new membership will be named at the October or November 2001 meetings of the Board and SCHEV
2. SCHEV agreed that its staff will begin work on the database. At the October or November meeting, SCHEV will make its recommendations on how the database will be developed and implemented.

3. The current task force will draw up a recommended time line for how the new task force (to be named in October or November 2001) will *carry out its duties and make its future proposals to the Board of Education and to SCHEV.*

Mr. Schroder thanked Mrs. Genovese and Mrs. Adams for their work on behalf of the joint task force.

The motion was seconded by Mrs. Rogers and carried unanimously to approve the June 21, 2001 minutes of the Board as amended. Copies of the minutes had been distributed previously to all members of the Board for review.

APPROVAL OF AGENDA

Mrs. Rogers made a motion to move *Item O, Review of a Request from Northampton County Public Schools Concerning a Literary Fund Loan* to the consent agenda. The motion was seconded by Mrs. Genovese to approve the amended agenda and carried unanimously.

Due to the absence of Ms. Noble, vice- president of the Board of Education, the role of vice president rolls over to the Board member with the most seniority. Mr. Schroder noted that Mrs. Rogers would serve as vice president until Mr. Christie arrives at the meeting.

CONSENT AGENDA

Mrs. Davidson made a motion to approve the consent agenda. The motion was seconded by Mrs. Rogers and carried unanimously.

- Final Review of Recommendations Concerning Release of Literary Fund Loans for Placement on Waiting List
- Final Review of Financial Report on Literary Fund
- Final Review of a Request from Northampton County Public Schools Concerning a Literary Fund Loan

Final Review of Recommendations Concerning Release of Literary Fund Loans for Placement on Waiting List

The Department of Education's recommendation that funding for six projects in the amount of \$21,750,000 be released was accepted by the Board of Education's vote on the consent agenda.

COUNTY, CITY OR TOWN	SCHOOL	AMOUNT
Halifax County	Clays Mill Elementary	\$2,500,000.00
Halifax County	Sydnor Jennings Elementary	3,500,000.00
Halifax County	Scottsburg Elementary	4,000,000.00
Lynchburg City	Sheffield Elementary	4,000,000.00
Campbell County	Rustburg High School	7,500,000.00
Russell County	Vocational School	250,000.00
	TOTAL	\$21,750,000.00

Final Review of Financial Report on Literary Fund

The Department of Education's recommendation for approval of the financial report on the status of the Literary Fund as of May 31, 2001 was accepted by the Board of Education's vote on the consent agenda.

Final Review of a Request from Northampton County Public Schools Concerning a Literary Fund Loan

The following recommendations by the Department of Education was accepted by the Board of Education's vote on the consent agenda: (1) That the Board of Education consider the request from Northampton County Public Schools for asbestos remediation to be an emergency and that the project be given the highest priority placement on the First Priority Waiting List contingent upon the Department's receipt of the required plans and specifications and upon approval of the application by the Office of the Attorney General., (2) That funds be released immediately upon their availability following placement of the project on the First Priority Waiting List, and (3) That the Board waive first review and consider final action that Northampton County Public Schools may proceed with this project and complete it prior to the opening of school.

RECOGNITIONS

The Board of Education presented the following Resolutions of Recognition:

- Recognition of Military Veteran's groups that assisted in the development of the Board of Education's Guidelines for Awarding Honorary High School Diplomas to World War II Veterans were presented to the following:
 - *Mr. James LaShure*, Chairman of the Virginia Veterans Liaison Committee and Past State Commander of The American Legion, Department of Virginia
 - *Mr. Albert G. Horton, Jr.*, former chairman and current secretary of the Virginia Veterans Liaison Committee
 - *Mr. Charles W. Craft*, Member of the Virginia Veterans Liaison Committee and representing the Disabled American Veterans as this organization's Past Department Commander

- *Commander Alfred Ortiv*, representing The Military Order of the Purple Heart, Department of Virginia
- *Mr. Frank G. Wickersham, III*, Member, Virginia Veterans Liaison Committee, representing the Retired Officers' Association
- *Lieutenant Colonel Theodore J. Mortensen*, U.S. Army-Retired, Director of the Virginia Department of Veterans' Affairs (and an Army ranger as well as a member of the 101st Airborne Division—the "Screaming Eagles")
- *Mr. Clyde Coats*, Deputy State Commander of The American Legion, Department of Virginia
- *Mr. Lawrence F. Mattera*, member, Virginia Veterans Liaison Committee, representing the Veterans of Foreign Wars as the Jr. Vice Commander
- *The Honorable A. J. "Tony" Zevgolis*, Mayor of the City of Hopewell, representing the office of The Honorable J. Randy Forbes, former member of the Senate of Virginia and current member of the United States House of Representatives, representing the Fourth Congressional District of Virginia.
- *Mr. Jim Scarbo*, representing The Fleet Reserve Association
- *Mr. R. J. Phillips*, representing the Third Marines Division Association—Regional Hampton Roads Chapter
- *Mr. Charles Montgomery*, representing the Vietnam Veterans of America
- *Mr. Ernest J. Lutz*, representing The Marine Corps League—Mideast Division
- *Mr. Harvey C. Barcum*, representing the Medal of Honor Society

Ms. Jenny Shafer Tankersley, Assistant Director of the U. S. Veterans Administration Medical Center in Hampton, part of the U. S. Department of Veterans Affairs, was also recognized by the Board for her support for the honorary diploma program.

- Recognition of Virginia's Recipient of the National Association of Gifted Children's Nicholas Green Distinguished Student Award was presented to *Elyse Steinhold*, fifth grade student at Gayton Elementary School in Henrico County
- Recognition of the Winners of the Career and Technical Education Diploma Seal Design Competition were presented to the following students:
 - First Place Winner (Plaque and \$500 U.S. Savings Bond)—*Tyrone Ferreira*, Virginia Beach Career and Education Center, Virginia Beach City Public Schools
 - Second Place Winner (\$250 U.S. Savings Bond)—*Joshua Plinski*, Park View High School, Loudoun County Public Schools

- Third Place Winner (\$100 U.S. Savings Bond)—*Meredith Lyttle*, Swift Creek Middle School, Chesterfield County Public Schools
- Recognition of the Winners of the Advanced Mathematics and Technology Diploma Seal Design Competition were presented to the following students:
 - First Place (Plaque and \$500 U.S. Savings Bond)—*Polin Katina*, Charlottesville High School, Charlottesville City Public Schools
 - Second Place (\$250 U. S. Savings Bond)—*Matthew St. Clair*, Rockbridge County High School, Rockbridge County Public Schools
 - Third Place (\$100 U.S. Savings Bond)—*Joshua Plinski*, Park View High School, Loudoun County Public School

The Board also recognized *Ms. Cameron Harris*, assistant superintendent for assessment at the Department of Education who will retire on August 1, 2001.

ACTION/DISCUSSION ITEMS

Presentation on the Speech and Language Therapist Case Loads

Susan T. Karr, M.S., CCC-SLP, director of state education practices for the American Speech-Language-Hearing Association (ASHA) and Tracy L. Schooling, MA., CCC-SLP, ASHA's treatment outcomes manager presented this item. Ms. Karr indicated that she was representing 101,240 audiologist, speech-language pathologists, and speech, language, and hearing scientists to urge the Board to recommend a reduction in the maximum caseload size currently established by the Virginia Legislature.

Ms. Karr reported on the role and responsibilities of the school based speech language pathologist and the role of the speech-language pathologist in literacy and the relationship to the Virginia Standards of Learning.

The Individuals with Disabilities Education Act (IDEA) has changed the role and responsibilities of the school-based speech-language pathologist. Today's school-based speech-language pathologists serve children with complex communication disorders that require intensive, long-term interventions. The IDEA requirement to provide services to children in the least restrictive environment and in inclusive settings has resulted in speech-language pathologists providing services to more children who are medically fragile and have multiple disabilities. Medical advancements are saving more lives, and many children who survive are physically or medically challenged. And, with health care reform many children are released from hospitals or rehabilitation centers earlier than they were in the past and return to school with the need for intensive speech-language services.

Clinicians working in school settings indicated that approximately half (40%) of the children on their caseload were moderately impaired, and 18% were

severely/profoundly impaired. Current caseloads of children with more severe disabilities require greater use of individualized and smaller group models of service delivery as well as more frequent contact with these children every week. If the educational needs of these children are to be truly met, the speech-language pathologist must have the freedom to work with a smaller number of children.

The persistence of communication disabilities affects educational achievement and children's performance on the Virginia's Standards of Learning. Fifty percent of all poor readers have a history of early spoken language disorders. Researchers at the University of Kansas note that children with language deficits are at risk of reading impairments that persist well into elementary school. A large body of research notes the correlation between oral language skills and future literacy abilities.

Speech-language pathologists play important direct and indirect roles in facilitating literacy competency. Active involvement includes prevention, identification, assessment, intervention, modeling and follow-up; indirect involvement includes collaboration, advocacy, leadership, and research.

Crucial responsibilities within these roles include:

- Early identification of children with speech and language deficits that generally lead to later literacy problems. Efforts in this are include identifying problems with phonemic awareness and letter-sound identification.
- Assessment of literacy at all grade levels. Early elementary learners are assessed in terms of their sound awareness, rapid naming abilities, sound memory and letter identification, reading, spelling, written and spoken language. Higher level learners are assessed in reading, writing, organizational abilities, and spoken language. All assessments at this level need to be curriculum based whenever possible
- Literacy intervention. This involves building on the relationship between written and spoken language. It requires both direct intervention and collaboration with general education teachers, children, and parents in a manner that is culturally sensitive, developmentally appropriate, and relevant to the child's curriculum.

Ms. Schooling reported on data from ASHA's National Outcomes Measurement System (NOMS) project that illustrated some of the specific outcomes of services that speech-language pathologists provide to children in schools across the country as well as the impact of high caseloads on service delivery and child achievement.

NOMS is a national effort to develop a database describing children's functional outcomes subsequent to treatment by a school-based speech-language pathologist. Through NOMS, data has been collected from approximately 410 clinicians in 68 school

systems nationwide on such issues as children's functional improvement, clinician caseload size, parent satisfaction, and service delivery characteristics.

Ms. Schooling presented graphs showing the interaction between a clinician's caseload size and the percentage of teachers' agreement to the statement "The child demonstrates improved pre-reading/reading comprehension skills." The data reveal that for children being treated by clinicians with caseloads fewer than 40 children, 90% of teacher believe that these children have demonstrated improved reading skills because of the services the speech-language pathologist has provided.

As the clinician caseload size increases, there is a corresponding decrease in the percentage of teachers who believe that the children have shown improvement in these crucial literacy skills. When a clinician's caseload is between 50 and 59, the percentage of teachers responding positively to this statement drops dramatically from 90% to 73%. When the caseload size is increased to 70 or more, only 60% of the teachers feel the speech-language pathologist has made a difference in children's reading abilities. These data clearly reveal that teachers see less improvement in children's reading skills when speech-language pathologist have higher caseloads.

The same trend also holds true, although somewhat less dramatically, for the statement "The child demonstrates improved written language skills." Approximately 80% of teachers felt that children showed improvement in their written language skills when the clinician's caseload was less than 40. However, as caseloads increased to 50 or more, only 65% of the teachers felt that children made substantial improvement in their writing skills.

Anecdotal evident suggests that another immediate impact of increasing caseload size is a shift from individual to group treatment and NOMS data appear to support this trend. Children being served by speech-language pathologists with fewer than 40 children are much more likely to receive individual treatment for one of the most common disorders, speech sound production or articulation disorders. As a clinician's caseload size increases there is a reduction in the number of children who are able to access individual treatment.

Two major concerns of the school-based speech-language pathologist were:

- lack of time for planning, collaboration, and meeting with teachers;
and
- high caseload sizes.

Virginia's caseload cap of 68 exceeds ASHA's recommended guidelines of 40 children per clinician but is also the highest caseload cap in the region. Virginia's cap also exceeds the national average caseload cap of 58 children.

In conclusion Ms. Schooling asked the Board to consider the important role of the speech-language pathologist in addressing improved educational outcomes for children

and urged the Board to recommend a reduction in the maximum caseload size currently established by the Virginia Legislature and to appropriate sufficient funds to improve educational outcomes. Mr. Schroder thanked Ms. Karr and Ms. Schooling for their presentation.

Presentation on the Virginia CARES Program

This item was presented by Mrs. Lucy Beauchamp, chair, Prince William County School Board. Mrs. Beauchamp introduced the following superintendents from the audience attending the meeting:

Dr. Edward Kelly, Prince William County
 Dr. Alan Lee, Washington County
 Dr. James Blevins, Bedford County
 Dr. Ira Trollinger, Martinsville City
 Dr. Margaret Van Deman Blackmon, Prince Edward County
 Dr. Philip Worrell, Greensville/Emporia Public Schools
 Dr. Timothy Jenney, Virginia Beach City.

Mrs. Beauchamp presented the following Virginia CARES recommended standards as presented to JLARC on March 14, 2001:

1. Should there be a provision for capital impacts of mandated course offering? (I.e., science labs)? If so, what should be the mechanics of the calculation of state funding?

Yes. However, there should be a hold harmless provision, so that funding is not taken away in the event of enrollment loss or an increase in class size.

2. Should there be specific standards regarding the value of textbooks and supplemental instructional materials offered to students, as well as assumptions about replacement cycles?

Standards for textbook allotments should conform to current provisions in the Standards of Learning. Unit prices should be based on vendor surveys. Allotments should be on a per pupil basis and distributed without adjustment by means of the local composite index.

3. Should there be specific standards set with regard to hours and staff development provided per employee and thereby subject to state funding?

Yes. The standard used currently in the Standard of Learning staff development grant should be developed into a permanent funding mechanism. A general benchmark of 2% of the State appropriation for

current operation of the schools should be used as an ongoing guideline to assess the adequacy of staff development funding.

4. Should there be explicit state funding for remediation? How should it be valued?

Remediation should be funded with respect to each student standardized test failure, at any grade level, which ultimately pertains to an area of the curriculum for which school accreditation and/or student diploma awards are ultimately contingent on successful test performance.

5. Should the assumed staffing ratios for guidance counselors be modified to reflect test administration demands?

No. It would be bad policy to link guidance counseling to testing practices. Many school divisions assign nonguidance personnel to oversee test administration, anyway. There should be an extra .5 Assistant Principal assumed per school for state funding purposes as an accommodation to the workload generated by testing requirements.

6. Should class size ceilings be lowered for:

- (1) all students?
- (2) elementary students?
- (3) secondary students?
- (4) all at risk students?
- (5) elementary at risk students?
- (6) secondary at risk students?

If (4), (5), or (6), then how should our “at risk students” be defined?

There should be no requirement to lower class size ceilings. The state should offer increased funding to support the lower class sizes that by necessity prevail in alternative education programs. The state should consider offering incentive funding to encourage schools to lower class sizes for at-risk children (defined as free and reduced lunch populations), but this funding should contain a component to address capital implications.

7. Should state staffing calculations assume a 6 period day for secondary schools, a 7 period day, an 8 period day, or a 4 x 4 format?

There is a clear prevailing practice to offer at least a 7 period day. For this reason, the state funding should be based on a presumption of 7 periods.

8. Should the state staffing formulas guarantee teachers for certain advanced placement courses, even it means that class sizes will be extremely small?

Particularly in small high schools, it is often difficult to fund a critical mass of students to take a given Advanced Placement course. In order to provide principals with some staffing flexibility to resolve such dilemmas, an extra teacher should be awarded to each high school for state funding purposes.

9. How many hours per year of elementary music instruction should be assumed in state staffing calculations? How about art? Physical education? What provisions should be made for elementary or middle school band or orchestra programs?

It is not practical to specify hours of instruction. Furthermore, the fact that many elementary specialists are itinerants, serving multiple schools, is a complicating factor. The recommendation calls for one music teacher, one art teacher, and one physical education teacher to be awarded for every 700 elementary students in a given school division. No separate provisions should be made to deal with band or orchestra issues.

10. Should there be any formulaic assumptions about staffing or equipment requirements aimed at promoting school safety? If so, what should these assumptions be?

This issue should be dealt with in a manner comparable to that currently used by the state to award technology funds. A blanket allocation of \$26,000 per school should be provided, to be used for staff, equipment, or training as the principal sees fit to best accomplish the objectives articulated in the State School Safety Audit requirements.

11. Should the state formulas allow for preschool or all-day kindergarten programs?

The current practice of counting an all-day kindergarten child as a full student for funding purposes, as opposed to 85% recognition for a half-day child should be preserved. The Basic Aid formula should encompass preschool programs.

12. Should state formulas explicitly address resources needed to serve limited English proficiency students? If so, what should the formulas be?

State funding formulas should be incorporated into Basic Aid, with staffing assumptions developed in a manner comparable to the way special education functions are handled. Based on various degrees of

English proficiency, a set of staffing standards should be developed and funded.

13. Should staffing assumptions for assistant principals be changed for:
 - (1) elementary schools?
 - (2) secondary schools?
 - (3) all schools?If so, what should the new assumptions be?

An extra .5 Assistant Principal position per school should be awarded, as was discussed in Item 6.

14. Should state formulas be designed to promote a certain ration of computers to students in all schools? If so, what should that ration be? Should there be an assumed replacement cycle for computers? If so, what?

There should be a flat grant per pupil based on the total cost of ownership for technology, with the rationale underlying this total cost calculation reviewed at least once every 5 years. There should be a general presumption that there be 1 multimedia, Internet accessible personal computer (or other personal computing device, in the event that personal computers cease to be in vogue) for every 5 students, and funding should be provided to ensure a replacement cycle of 5 years. Technology equipment funding standards should be independent of technology staffing funding standards. Items funded with federal money should be excluded when the State calculates the amount due to localities.

15. What assumptions should be made in funding formulas to provide for technology support positions or automated system administrators?

The State standards for librarian staffing should be used for school based technology instruction, administration, and support, although there should be flexibility for schools to meet their needs by offering stipends to nontechnology faculty in order to address these needs. All State technology initiatives should include a funding component designed to address associated extra human resource requirements.

16. Should state formulas allocate funds for cabling or improvements to school electrical systems?

No. This does not represent an ongoing commitment over the years. Most school divisions address it as a one-time hurdle to be accomplished through their capital improvement plans.

17. Should state formulas make assumptions about requirements for students access to
- (1) classroom broadcast studios?
 - (2) VCRs?
 - (3) television broadcast studios?
 - (4) robotics equipment?
 - (5) graphing calculators?
 - (6) probeware?
 - (7) other technologically advanced equipment?

No.

18. Should state funding formulas explicitly address technological staff development needs?

Technological staff development needs should be viewed as part of the overall staff development component funded with respect to Item 4 above. Software costs should be factored into the total cost of technology equipment figure discussed in Item 15.

19. Should the basic aid formula provide systematic support for capital needs of schools? If so, should the state:
- (1) pay for locally incurred debt service obligations?
 - (2) provide funds to provide an annual allotment per square foot to address building renovation and maintenance needs?
 - (3) earmark extra funds to build new schools in divisions with high enrollment growth?
 - (4) provide funding to help pay for capital costs associated with mandates regarding instructional programs?
 - (5) issue 5 year bonds to aid school divisions in purchasing technological equipment?
 - (6) issue school construction or renovation bonds?
 - (7) earmark funding for schools found to be in violation of health or safety standards?
 - (8) earmark funding for schools with functional ages in excess of 25 years?
 - (9) provide some other form of financial support?

Yes, the basic aid formula should provide systematic support for the capital needs of schools. The funding should be calculated using a 3-step process. First, the total square footage of permanent instructional space in each school should be determined. Then this figure should be divided by 25, to reflect a standard that each building should be expected to go 25 years between renovation cycles. This number should then be multiplied by the average cost per square foot of constructed school space in Virginia for the most recent year for which data can be tabulated. This

amount should then be funded based on recognition of the various divisions' local composite indexes. In recognition that expenditure of equal amounts each year may not be the optimal way for such localities to address their capital requirements, there should be a policy permitting the use of capital reserve funds in order to save up money to address big ticket needs.

20. Should there be any formulaic changes to acknowledge budgetary requirements imposed by special needs students?

Special needs students might include those with limited English proficiency, on free or reduced lunch, in alternative education programs, or in special education classes. The recommended treatment for LEP students was described in Item 13. Allowances should be made in Basic Aid formulas to reflect the smaller class sizes necessary in alternative education programs. Special education funding should incorporate an administrative overhead factor to provide for the increased staff and software necessary to deal with IEP mandates. No special funding provisions are recommended for free and reduced lunch students.

GENERAL PREMISE: The sense of the Standards Committee was that any attempt to reevaluate state fund methods should be undertaken with a view toward providing greater resources to all school divisions, as opposed to shifting existing allocations from one group to another.

The Board received the report of the Virginia CARES Program.

Nineteenth Annual Report from the Virginia Advisory Committee for the Education of the Gifted

Mrs. Joy Douglas, chair of the Virginia Advisory Committee for the Education of the Gifted presented this item. The Virginia Advisory Committee for the Education of the Gifted was established by the Board of Education in 1982 to provide the board and the Superintendent of Public Instruction with recommendations regarding the educational needs of gifted students, K-12.

The Advisory Committee meets four times per year at a variety of sites throughout the commonwealth. Members include parents; board-level designees from professional organizations for the gifted, counselors, superintendents, and teachers; persons from business/industry; a director and an alumna/us of a Governor's School; administrators and teachers of the gifted from school divisions; representatives from higher education; and three at-large members. The committee is composed of 34 members who serve rotating three-year terms under the newly revised bylaws. The committee selects issues to study for the two-year term of the chairperson. These issues are examined by subcommittees through presentations by guest speakers, field study and visitation, as well as through traditional research methods.

For the past two years, the committee, through subcommittee work, has studied three issues related to the education of the gifted. The report presents the committee's conclusions related to best practices in gifted education, the implications of the Standards of Accreditation and the Standards of Learning on gifted education and services, and the Virginia Governor's School program and its services.

The Board received the Nineteenth Annual Report submitted by the Virginia Advisory Committee for the Education of the Gifted and asked the Superintendent to review recommendations and advise the Board.

First Review of a Request for Increased Graduation Requirements from the Arlington County Public Schools

Mr. Charles Finley, assistant superintendent, accountability services, Department of Education presented this item along with Ms. Kathleen Grove, assistant superintendent for instruction, Arlington Public Schools. The Arlington County School Board is requesting an additional requirement for graduation in the form of a requirement that all students earn three units of credit in history/social studies at the high school level (grades 9-12). It does not increase the total number of credits required for graduation.

However, the requirement would mean that a student who is seeking a Standard Diploma or a Modified Standard Diploma, who earns credit toward graduation in history/social science prior to entering high school and decides to count that credit and carry it forward rather than exercising the option of deleting it and the grade, would be required to earn more credit in this academic area than prescribed in the requirements for graduation in 8 Vac 20-131-50 of the accrediting standards. The requirement would not apply to a transfer student who otherwise meets the requirements for graduation.

This request has been reviewed and found to be consistent with the Board's *Guidance Document Re Requests for Additional Graduation Credit Requirements and Requests to Allocate Electives from Local School Boards* adopted June 25, 1998.

The Board received the request for first review. This item will be presented at the September 26, 2001 meeting of the Board of Education meeting.

Review of Guidelines for the Award of Honorary High School Diplomas to World War II Veterans

Dr. Cynthia A. Cave, director of policy, division of policy and public affairs at the Department of Education presented this item. The 2001 General Assembly session adopted Senate Bill 1210, sponsored by then Senator (now Congressman) J. Randy Forbes, to designate the first full week in September as Virginia World War II Veterans Appreciation Week and to establish the Commonwealth of Virginia World War II Veteran Honorary High School Diploma. The bill provides for the awarding of the honorary diplomas by the Board of Education, according to guidelines the board

develops. The bill recognizes the educational, personal and financial sacrifices made by World War II veterans who served in the United States Armed Forces. The General Assembly found that some of these veterans left school before completing the requirements for a high school diploma, and many of them were unable to complete their high school education upon returning home.

World War II veterans who were unable to complete their high school education may apply for a Commonwealth of Virginia World War II Veteran Honorary High School Diploma if they meet the criteria established by the Board of Education.

Mrs. Davidson made a motion to waive first review and adopt the guidelines for final review. The motion was seconded by Mrs. Genovese and carried unanimously. The guidelines read as follows:

Guidelines for Honorary Diplomas for World War II Veterans

Introduction

In recognition of the efforts and sacrifices of veterans who served in World War II, the 2001 General Assembly designated the first full week in September as Virginia World War II Veterans Appreciation Week, beginning in September 2001. The General Assembly found that between 1939 and 1945, many young persons from Virginia and other states left school to serve in the armed forces as the United States fought World War II. These individuals made great sacrifices and suffered economic and personal loss in order to protect their country and its people and to defend humanity.¹

Many of these young people were not able to continue their education upon returning home because of financial hardship and other personal reasons. Despite educational constraints, these veterans² "reentered society and made significant contributions to our country through hard work as civilians, while gaining substantial knowledge and skills through work."³ They "have earned and do deserve our esteem and gratitude and our acknowledgement that without their sacrifices, our lives would not be the same as they are today."⁴

Requirements of the Code of Virginia

Pursuant to § 2.1-27.2:01 and § 22.1-17.4 of the Code of Virginia, World War II veterans who were unable to complete their high school education may apply for a Commonwealth of Virginia World War II Veteran Honorary High School Diploma if they meet the criteria specified by the Board of Education.

Any World War II veteran may apply for an honorary high school diploma by filing with the board a written statement declaring that:

1. The veteran served in a branch of the United States Armed Forces during the years between 1939 and 1945;
2. The veteran was drafted or enlisted in the United States Armed Forces; and
3. The veteran was unable to resume his education upon returning to civilian life.

¹ SB 1210, General Assembly 2001.

² The term *veteran* means a person who served in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable. 38 USC § 101.

³ SB 1210, *supra*.

⁴ *Id.*

Virginia Board of Education Requirements

Any veteran of World War II who is interested in receiving the Commonwealth of Virginia World War II Veteran Honorary High School Diploma must submit a statement that includes the following information:

1. The veteran's full name;
2. Branch of service;
3. Dates of service;
4. Location of last school attended; and
5. Statement affirming that the veteran:
 - a. Was drafted or enlisted in the United States Armed Forces; and
 - b. Was unable to complete his education upon returning to civilian life.

The information may be submitted by the veteran, by his or her family, or by any veterans' organization on behalf of the veteran.

To ensure that the honorary diploma will be available by Virginia World War II Veterans Appreciation Week, the first full week in September, the information must be submitted to the Department of Education no later than two weeks in advance.

The statement should be mailed to:

Office of the Board of Education
Virginia Department of Education
P.O. Box 2120
Richmond, Virginia 23218-2120

For this year, the honorary diplomas will be distributed to the veterans during Virginia World War II Veterans Appreciation Week, September 3-7, 2001.

While the Code of Virginia requires that honorary diplomas be issued annually during Virginia World War II Veterans Appreciation Week, other requests can be processed on a case-by-case basis.

The resolution reads as follows:

*Resolution to Establish Guidelines for Awarding
Honorary High School Diplomas to World War II Veterans*

WHEREAS, in recognition of the efforts and sacrifices made by the veterans of World War II, the 2001 General Assembly designated the first full week in September as Virginia World War II Veterans Appreciation Week; and

WHEREAS, these veterans made great educational, personal, and financial sacrifices to ensure the safety and security of their countrymen and the world; and

WHEREAS, many of these veterans left school before completing the requirements for a high school diploma; and

WHEREAS, the General Assembly found that many of these veterans were unable to complete their high school education for many reasons upon returning home; and

WHEREAS, these veterans deserve our respect and acknowledgement of the sacrifices they made to protect our country and mankind; and

WHEREAS, as described in Senate Bill 1210 of the 2001 session of the General Assembly, these veterans “reentered society and made significant contributions to our country through hard work as civilians, while gaining substantial knowledge and skills through work;” and

WHEREAS, the General Assembly established an honorary high school diploma to be awarded by the Board of Education to eligible veterans of World War II who were unable to complete their high school education upon returning home;

NOW, THEREFORE, BE IT RESOLVED that the Board of Education adopts guidelines governing the issuance of the Commonwealth of Virginia World War II Veteran Honorary High School Diploma to eligible veterans of World War II upon the filing of a written statement to the Board.

BE IT FURTHER RESOLVED that honorary diplomas will be distributed to eligible veterans during Virginia World War II Veterans Appreciation Week and at other times, upon request.

Adopted in Richmond, Virginia, This Twenty-Sixth Day of July in the year 2001.

First Review of Guidelines Governing the Pledge of Allegiance

Dr. Cave also presented this item. The 2001 General Assembly adopted legislation requiring that all students learn the Pledge of Allegiance, and that each school board require the daily recitation of the Pledge of Allegiance. As a result, the guidelines for the Pledge of Allegiance adopted by the Board in 1996 and revised in 1998 need to be updated.

The Board of Education’s guidelines on the Pledge of Allegiance provide constitutional rights and restrictions relating to the recitation of the Pledge of Allegiance in Virginia public schools. The guidelines include provisions which address the requirements of the Code of Virginia, the constitutionality of learning and reciting the Pledge, the appropriate etiquette and conventions for respecting the dignity and appropriate display of the American flag, and relevant state and federal constitutional concerns (i.e., freedom of speech and religion).

Mrs. Rogers made a motion to adopt the guidelines for first review and authorize the scheduling of a public hearing. The motion was seconded by Mrs. Genovese and carried unanimously.

The resolution reads as follows:

A Resolution of The Board Of Education Revision of Board of Education Guidelines on Recitation of the Pledge of Allegiance

WHEREAS, the Code of Virginia, §22.1-202 requires the Board of Education, in consultation with the Office of the Attorney General, to develop guidelines on the propriety and constitutionality of recitation requirements and appropriate etiquette and conventions for respecting the dignity of the United States flag;

WHEREAS, the 2001 General Assembly adopted Senate Bill 1331, requiring the daily recitation of the Pledge of Allegiance in each classroom of every public school division of the commonwealth;

WHEREAS, as a result of Senate Bill 1331, the Board of Education's Pledge of Allegiance Guidelines require revision to promote compliance with state statute, constitutional restrictions, and the observance of constitutional rights; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Education that the revised guidelines be adopted.

Adopted in Richmond, Virginia, This Twenty-Sixth Day of July in the Year 2001.

BOARD OF EDUCATION GUIDELINES
RECITATION OF THE PLEDGE OF ALLEGIANCE
(Adopted July 26, 2001)

Introduction

A primary function of public schools is providing fundamental knowledge to elementary and secondary students about particular subjects, such as English, mathematics, science, and history. However, public education has also supported various community functions as well, including provision for a responsible citizenry. For example, schools have been considered places to teach students to be responsible and participatory members of society.⁵

That no free government, nor the blessings of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue; by frequent recurrence to fundamental principles; and by the recognition by all citizens that they have duties as well as rights, and that such rights cannot be enjoyed save in a society where law is respected and due process is observed.

That free government rests, as does all progress, upon the broadest possible diffusion of knowledge, and that the Commonwealth should avail itself of those talents which nature has sown so liberally among its people by assuring the opportunity for their fullest development by an effective system of education throughout the Commonwealth.⁶

As directed by § 22.1-202 of the *Code of Virginia*, the following document discusses the constitutional rights and restrictions pertaining to the recitation of the Pledge of Allegiance in the public schools. Historical information and legal precedent is provided along with statutory requirements and Board of Education guidance.

Background

We do honor to the stars and stripes as the emblem of our country and the symbol of all that our patriotism means. We identify the flag with almost everything we hold dear on earth. It represents our peace and security, our civil and political liberty, our freedom of religious worship, our family, our friends, our home. We see it in the great multitude of blessings, of rights and privileges that make up our country.

- Calvin Coolidge, 30th President of the United States, and his sentiments regarding the flag of the United States of America.

In 1942 Congress officially recognized the Pledge of Allegiance. One year later, in June 1943, the Supreme Court ruled that school children could not be forced to recite it. The case, *West Virginia State Board of Education v. Barnette*, ruled that expulsion from school and criminal penalties against the student for not participating in the pledge violated his/her First Amendment rights to free speech and free exercise of religion⁷.

⁵ Diane Ravitch, (1983). *The Troubled Crusade: American Education, 1945-1980*

⁶ *Constitution of Virginia*, Article I, §15

⁷ *West Virginia State Board of Education v. Barnette*, 319 U. S. 624, (1943)

The *Barnette* case made it clear that a state could not require a specific act of respect toward a national symbol. However, court rulings since *Barnette* have supported the authority of many state legislators to enact laws requiring students to recite the Pledge as long as the school exempts students who choose not to participate for religious, philosophical, or personal reasons. The courts have also sustained the decision of a state to include the Pledge of Allegiance in the curriculum of its public schools as part of a local or state goal to provide instruction in patriotism and citizenship. The Supreme Court in *Island Trees Union Free School District v. Pico*, has recognized that public schools are vitally important “in the preparation of individuals for participation as citizens,” and as vehicles for “inculcating fundamental values necessary to the maintenance of a democratic political system.”⁸

Although the Supreme Court has established that no student can be compelled to recite the Pledge of Allegiance (*Barnette*), non-participating students can be required to refrain from any activity that disrupts or distracts those making the Pledge. In *Goetz v. Ansell* (1973), the United States Court of Appeals for the Second Circuit held that a non-participating student must be allowed to engage in “a silent, non-disruptive expression of belief by sitting down” at his or her desk during the Pledge. This does not sanction, however, conduct that “materially disrupts classwork or involves substantial disorder or invasion of the rights of others.”⁹ The Supreme Court has not yet quantified what would be construed as disruptive.

Code of Virginia, § 22.1-202

Section 22.1-202 of the Code of Virginia addresses instruction in the history and principles of flags of United States and Virginia, the Pledge of Allegiance to the American flag, and guidelines to be developed by the Board of Education.* The section mandates the following:

1. Instruction in the history and principles of the flag of the United States and the flag of the Commonwealth shall be given in one or more grades in every school division. The instruction shall include the Pledge of Allegiance and the appropriate etiquette and conventions for respecting the dignity and appropriate display of such flags.
2. School boards must require the daily recitation of the Pledge of Allegiance in every classroom.
3. All students are required to learn the Pledge of Allegiance and to demonstrate such knowledge.
4. School boards must ensure that an American flag is in place in each classroom of the respective school division.
5. School boards must determine the appropriate time during the school day for the recitation of the Pledge.
6. School boards must provide appropriate accommodations for students who are unable to comply with these procedures due to a disability.
7. School boards must apply their codes of conduct to disruptive behavior during the recitation of the Pledge in the same manner as provided for other circumstances of similar behavior.
8. Students must either stand and recite the Pledge while facing the flag with their right hands over their hearts or in an appropriate salute if in uniform. No student can be compelled to recite the Pledge if he, his parent or legal guardian objects on religious, philosophical, or other grounds.
9. Students who are exempt from reciting the Pledge must remain quietly standing or sitting at their desks while others recite the Pledge, not making any display that disrupts or distracts others who are reciting the Pledge.

⁸ *Island Trees Union Free School District No. 26 v. Pico*, 457 U.S. 853 (1982)

⁹ *Goetz v. Ansell* 477 F.2d 636 (1973)

10. The Office of the Attorney General must intervene on behalf of local school boards and provide legal defense of these provisions.
11. The Board of Education, in consultation with the Office of the Attorney General, must develop guidelines on constitutional rights and restrictions relating to the recitation of the Pledge in the public schools.

* See the Appendix for the complete text of the Code section.

Board of Education Guidelines

In order to promote the ideals and patriotism expressed in the Pledge while adhering to constitutional principles; the General Assembly enacted Va. Code § 22.1-202 in 1996. This statute requires the Board of Education, in consultation with the Office of the Attorney General, to develop guidelines on constitutional rights and restrictions relating to the recitation of the Pledge in the public schools. The Board of Education's guidelines must include, but are not be limited to, provisions that address the following:

1. The initiative and involvement of local school boards, individual schools, administrators, teachers, and students;
2. The propriety and constitutionality of any recitation or participation requirements;
3. Appropriate etiquette and conventions for respecting the dignity and appropriate display of the flag of the United States and the flag of the Commonwealth; and
4. Relevant state and federal constitutional concerns, such as freedom of speech and religion.

The Involvement of Local School Boards

Local school boards and their administrative and educational employees, can play a key role in transmitting and instilling the American culture into the lives of our young citizens of the commonwealth. Through lessons taught through the social studies curriculum to holiday observances school children can become familiar with the beliefs, symbols, and rituals of American society.

Early exposure to the practice of reciting the Pledge of Allegiance can be an ideal opportunity to teach young children about the history and values of the United States. As the young students mature, concepts behind the 31 words of the Pledge could become embedded into the curriculum along with such topics as citizenship, democracy, and government.

Whatever the method a school division may choose to employ to instill a sense of patriotism, the Pledge of Allegiance can be an important first step in citizenship education and civic values. Understanding the Pledge can also provide the foundation for future understanding of more complex documents such as the Declaration of Independence and the United States Constitution.

The Constitutionality of any Recitation or Participation Requirements

Following the 1892 celebration of the 400th anniversary of Christopher Columbus' venture to the Americas, school children around the country began to pledge their loyalty to the American flag. Flags began to appear atop every schoolhouse in the nation and laws were passed to compel schoolchildren to salute the flag. It was not long before opposition to this requirement ensued.

On November 6, 1935, two children were expelled from a Pennsylvania school for refusing to stand up and recite the Pledge of Allegiance with their classmates. Their father was arrested and fined, and the children were forced to attend another school. Believing that the school board's action was unjust, the father took the school district to court. In 1940 the Supreme Court ruled for the school district, which mandated that all

students must recite the Pledge of Allegiance. By the end of 1940, 43 states required all students to salute the American flag.

In 1943 a similar case was heard by the Supreme Court. Once again students refused to participate in a school requirement to recite the Pledge of Allegiance due to religious convictions. This case involved a group of Jehovah's Witnesses in West Virginia who refused to recite the Pledge because they believed it would violate the Biblical commandment not to worship any graven image. School officials expelled the students, threatening to send them to a reform school for juvenile delinquents and to bring criminal charges against their parents. The students and their parents claimed that requiring any recitation of the Pledge violated their First Amendment rights to free speech and free exercise of religion. This time, the Supreme Court agreed. Ironically, the decision was handed down on Flag Day, June 14, 1943.

Although our nation was then engaged in World War II, the Court reasoned that the West Virginia requirement was not justified by the need to promote national unity or patriotism:

To believe that patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institutions to free minds.¹⁰

This issue has never since advanced to the Supreme Court, and this ruling remains the law of the land. However, the decision did not bar the recitation of the Pledge of Allegiance, but merely prohibits any law that would make the exercise compulsory without exemptions for religious, philosophical, or personal reasons, in the public schools of the nation. Twenty-four states currently require students to salute the American flag.¹¹

Appropriate Etiquette and Display of the Flag

The United States Flag Code, Public Law 107-7, was reauthorized in 2001 to specify and unify the traditional ways in which we give respect to the flag. The Flag Code contains specific instructions on how and when the flag is to be displayed and how it is to be handled. However, the Flag Code is "merely advisory and does not proscribe behavior."¹² To ensure that appropriate etiquette and display of the American flag is carried out during the school day school divisions should adhere to the following:

1. The United States flag when displayed indoors should always be positioned to its own right. The flag should be placed to the right of the speaker (public address system) or staging area. Other flags should be to the left.
2. The United States flag should be at the center and at the highest point of the group when a number of flags of states, localities, or societies are grouped for display. No flag or pennant displayed in a school should be placed to the right or above the flag of the United States.
3. When displaying the flag against a wall, vertically or horizontally, the flag's union (stars) should be at the top, to the flag's own right, and to the observer's left.
4. No part of the flag should come in contact with the ground.
5. When reciting the Pledge of Allegiance, individuals should be standing at attention, facing the flag with the right hand over the heart. When not in uniform, men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag, and render the military salute.

¹⁰ *West Virginia State Board of Education v. Barnette*, 319 U. S. 624, (1943)

¹¹ Education Commission of the States, (2001)

¹² *Dimmitt v Clearwater* (1993, CA11 FL) 985 F2d 1565, 7 FLW Fed C 168.

6. The flag should be folded neatly and ceremoniously when stored.
7. The flag should be cleaned and mended when necessary.
8. When the flag is so worn that it is no longer fit to serve as a symbol of our country, it should be destroyed by burning in a dignified manner¹³.

Constitutional Concerns, Freedom of Speech and Religion

The Supreme Court has ruled that particular forms of ceremony are immune from constitutional examination. Although the high court has struck down a New York school prayer law in 1962,¹⁴ the passive display of the Ten Commandments in Kentucky schools in 1980,¹⁵ and a moment-of-silence law in Alabama in 1985,¹⁶ governmental practices such as the Pledge of Allegiance, legislative prayer, the reference to God in court proceedings, and even the Christmas holiday have been permissible, notwithstanding the "Establishment Clause."

The "Establishment Clause" according to Thomas Jefferson was intended to erect "a wall of separation between church and State."¹⁷ The Supreme Court first explored the meaning of the establishment clause in the 1947 case *Everson v. Board of Education*. The high court concluded that neither a state nor the federal government could set up a church, pass laws that aid one religion, aid all religions, or prefer one religion to another.¹⁸ In 1971, the Supreme Court's landmark case of *Lemon v. Kurtzman* established a three-pronged test to analyze alleged establishment clause violations. To withstand scrutiny under this test, a challenged governmental practice must: (1) have a secular purpose; (2) have a primary effect which neither advances nor inhibits religion; and (3) not foster excessive entanglement with religion.¹⁹

While the Pledge contains the phrase "one Nation under God," its recital in the public schools is not a violation of the Establishment Clause of the Constitution of the United States. The United States Supreme Court has implicitly recognized the phrase to be a constitutionally permissible acknowledgment of the historic role of religion in American life. In *Lynch v. Donnelly* (1984), the Supreme Court pointed out that, "One nation under God, as part of the Pledge of Allegiance... is recited by many thousands of public school children - and adults - every year."²⁰ In *McGowan v. Maryland* (1961), the high court opined that "the 'Establishment' Clause does not ban federal or state regulation of conduct whose reason or effect merely happens to coincide or harmonize with the tenets of some or all religions."²¹ In *School District of Abington Township, Pa. v. Schempp* (1963), the court noted that, "The reference to divinity in the revised Pledge of Allegiance . . . may merely recognize the historical fact that our Nation was believed to be founded under God." Thus reciting the Pledge and including its tenets in a school's curriculum may be no more of a religious exercise than the reading aloud of Lincoln's Gettysburg Address, which contains an allusion to the same historical fact.²²

¹³ American Legion Posts regularly conduct a dignified flag burning ceremony, often on Flag Day, June 14th. Contact your local American Legion Hall to inquire about the availability of this service.

¹⁴ *Engel v. Vitale*, 370 U.S. 421, 422, 424 (1962)

¹⁵ *Stone v. Graham*, 449 U.S. 39, 39, 41 (1980)

¹⁶ *Wallace v. Jaffree*, 472 U.S. 38, 56 (1985)

¹⁷ *Reynolds v. United States*, 98 U.S. 145, 164 (1879)

¹⁸ *Everson v. Board of Education*, 330 U.S. 1 (1947)

¹⁹ *Lemon v. Kurtzman*, 403 U.S. 602 (1971)

²⁰ *Lynch v. Donnelly*, 465 U.S. 668 (1984)

²¹ *McGowan v. Maryland*, 366 U.S. 420, 466 (1961)

²² *School District of Abington Township V. Schempp*, 374 U.S. 203, (1963)

Conclusion

All of the foregoing information requires thoughtful consideration when applied to particular circumstances. The United States Supreme Court has consistently emphasized the tenets of the 1943 Barnette case, restricting compulsory participation in the recitation of the Pledge. Public school authorities should become familiar with the general concerns of law in order to make an informed decision.

The court cases mentioned in this document must “not be viewed as setting the precise limits to the necessary constitutional inquiry, but serve only as guidelines with which to identify instances in which the objectives of the Establishment Clause have been impaired.”²³

Appendix VIRGINIA ACTS OF ASSEMBLY -- 2001 SESSION CHAPTER 666

An Act to amend and reenact § 22.1-202 of the Code of Virginia, relating to the Pledge of Allegiance in the public schools of the Commonwealth.

[S 1331]

Approved March 25, 2001

Whereas, Congress enacted the statute setting out the Pledge of Allegiance during the early stages of World War II at a time when national unity and concentrated effort were essential; and

Whereas, during the difficult days of World War II and the decades that have followed, the Pledge of Allegiance has symbolized our strength; and

Whereas, the Pledge of Allegiance is recited daily by many children and adults in the United States; and

Whereas, the Pledge of Allegiance symbolizes our national ideals and is an expression of our patriotic sentiment; and

Whereas, it is in our national and state interest to teach the children of our country about the history and values of the United States; now, therefore

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-202 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-202. Instruction in history and principles of flags of United States and Virginia; pledge of allegiance to American flag; guidelines developed by the Board.

A. Instruction in the history and principles of the flag of the United States and the flag of the Commonwealth shall be given in one or more grades in every school division. The instruction shall include the pledge of allegiance and the appropriate etiquette and conventions for respecting the dignity and appropriate display of such flags.

In recognition of the civic heritage of the United States of America, all students shall be required to learn the Pledge of Allegiance and to demonstrate such knowledge.

B. To promote compliance with constitutional restrictions as well as observance of constitutional rights, the Board of Education shall, in consultation with the Office of the Attorney General, develop guidelines on constitutional rights and restrictions relating to the recitation of the pledge of allegiance to the American flag in public schools.

²³ Meek v. Pittenger, 421U.S. 349, 359 (1975)

The Board's guidelines shall include, but shall not be limited to, provisions which address the following: the initiative and involvement of local school boards, individual schools, administrators, teachers, and students; the propriety and constitutionality of any recitation or participation requirements; appropriate etiquette and conventions for respecting the dignity and appropriate display of the flag of the United States and the flag of the Commonwealth; and relevant state and federal constitutional concerns, such as freedom of speech and religion.

These guidelines shall not be subject to the requirements of the Administrative Process Act (§ 9-6.14:1 et seq.). However, to provide appropriate opportunity for involvement by the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing such guidelines. Thirty days prior to conducting such hearings, the Board shall give written notice by mail of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to hold such hearings in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to the adoption of such guidelines.

C. Each school board shall require the daily recitation of the Pledge of Allegiance in each classroom of the school division and shall ensure that the flag of the United States is in place in each such classroom. Each school board shall determine the appropriate time during the school day for the recitation of the Pledge. During such Pledge of Allegiance, students shall stand and recite the Pledge while facing the flag with their right hands over their hearts or in an appropriate salute if in uniform; however, no student shall be compelled to recite the Pledge if he, his parent or legal guardian objects on religious, philosophical or other grounds to his participating in this exercise. Students who are thus exempt from reciting the Pledge shall remain quietly standing or sitting at their desks while others recite the Pledge and shall make no display that disrupts or distracts others who are reciting the Pledge. School boards shall provide appropriate accommodations for students who are unable to comply with the procedures described herein due to disability. The school board's code of conduct shall apply to disruptive behavior during the recitation of the Pledge in the same manner as provided for other circumstances of such behavior.

D. The Office of the Attorney General shall intervene on behalf of local school boards and shall provide legal defense of the provisions of this section.

First Review of Cut Scores for the Praxis II Elementary Education Content Knowledge Test and the Health and Physical Education Content Knowledge Test

Dr. Thomas Elliott, assistant superintendent for Teacher Education and Licensure at the Department of Education, presented this item. During the May 24, 2001 meeting of the Board of Education, the Advisory Board on Teacher Education and Licensure (ABTEL) presented its annual report for the 2000-01 year. ABTEL recommended for Board of Education review and approval cut scores for the Praxis II-Elementary Education: Content Knowledge Test and Praxis II-Health and Physical Education: Content Knowledge Test.

The Board of Education has approved Praxis I (reading, writing, and mathematics) and Praxis II (content teaching area) as the assessments for initial licensure in Virginia. New Praxis II tests were developed by the Educational Testing Service for elementary education and health and physical education. Matching studies were conducted that confirmed the alignment between the competencies in the *Licensure Regulations for School Personnel* and the new tests.

Elementary Education: Content Knowledge Test

The Praxis II Elementary Education: Content Knowledge (CK) Test is designed for prospective teachers of children in primary through upper elementary school grades. Each of the four content areas—language arts/reading, mathematics, social studies, and science—constitutes 25 percent of the 120 multiple-choice questions.

The Advisory Board on Teacher Education and Licensure recommends that the Board of Education approve the cut score of 143 for the Elementary Education: Content Knowledge Test to become effective July 1, 2002. ABTEL further recommends that the scores be reviewed again in three to five years.

Mr. Christie made a motion to adopt the resolution to approve the recommended cut scores for the Praxis II-Elementary Education: Content Knowledge Test. The motion was seconded by Mr. Goodman and carried unanimously.

Health and Physical Education: Content Knowledge Test

The Health and Physical Education: Content Knowledge Test is composed of 120 multiple-choice questions covering content in health and physical education. Approximately 50 of the 120 test questions focus on studies in health, and approximately 70 focus on physical education.

The Advisory Board on Teacher Education and Licensure recommends that the Board of Education approve the cut score of 151 for the Health and Physical Education: Content Knowledge Test. ABTEL further recommends that the scores be reviewed again in three to five years.

Mrs. Davidson made a motion to adopt the resolution to approve the recommended cut scores for Praxis II-Health and Physical Education: Content Knowledge Test. The motion was seconded by Mrs. Rogers and carried unanimously.

The resolution reads as follows:

*Resolution of the Board of Education:
Establishing Cut Scores for the Praxis II
Elementary Education: Content Knowledge Test and the
Health and Physical Education Content Knowledge Test*

WHEREAS, Section 22.1-298 of the *Code of Virginia* authorizes the Board of Education to prescribe the requirements for the licensure of teachers that include a professional teacher's examination prescribed by the board; and

WHEREAS, the Educational Testing Service (ETS) announced new Praxis II tests, the Elementary Education: Content Knowledge Test and the Health and Physical Education: Content Knowledge Test; and

WHEREAS, validation and standard setting studies were completed for the Elementary Education: Content Knowledge Test and the Health and Physical Education: Content Knowledge Test; and

WHEREAS, the Advisory Board on Teacher Education and Licensure recommended cut scores in its annual report for the 2000-01 year;

NOW, THEREFORE, BE IT RESOLVED by the Board of Education that effective July 1, 2002, the cut score of 143 be established for the Elementary Education: Content Knowledge Test and the cut score of 151 be established for the Health and Physical Education: Content Knowledge Test.

Adopted in Richmond, Virginia, This Twenty-Sixth Day of July in the Year 2001.

First Review of Appointments to Vacancies on the Advisory Board on Teacher Education and Licensure (ABTEL)

The Advisory Board on Teacher Education and Licensure, a nineteen-member board, advises the Board of Education and submits recommendations on policies applicable to the qualifications, examination, licensure, and regulation of school personnel including revocation, suspension, denial, cancellation, reinstatement, and renewal of licenses, fees for processing applications, standards for the approval of preparation programs, reciprocal approval of preparation programs, and other related matters as the Board of Education may request or the Advisory Board may deem necessary.

Dr. Elliott pointed out that there are three vacancies on the Advisory Board on Teacher Education and Licensure (ABTEL). Vacancies are in the following categories: (1) One classroom teacher representing nonpublic schools; (2) One citizen-at-large representative; and (3) One faculty member in a teacher preparation program in a public institution of higher education. The first two vacancies are for three-year terms, beginning July 1, 2001. The third vacancy, a public institution of higher education representative, is to fill an unexpired term effective July 1, 2001 to June 30, 2003. The nominee will then be eligible for an appointment to a regular three-year term.

The Board questioned the nomination of a superintendent for the citizen-at-large vacancy. Dr. Elliott pointed out that this is the continuation of a pattern that is already in place. The person currently serving in this role is a superintendent. Therefore, when ABTEL received another superintendent's name for nomination, the recommendation from the DOE staff to the state superintendent of public instruction was that a superintendent replace that vacancy. Dr. Elliott said that there is a provision in the Code that requires that one of the appointments to ABTEL shall be a superintendent. The citizen-at-large- position over the years has been filled by division superintendents, business representatives and a variety of other individuals. The at-large-citizen position is left to the discretion of the state superintendent of public instruction to make a recommendation to ABTEL.

Dr. Elliott said that approximately 20 professional organizations were extended invitations to nominate individuals for the citizen-at-large vacancy. Mr. Christie said that the State Chamber should be asked to make a recommendation for the citizen-at-large vacancy. Mr. Goodman said the Retired Teachers Association was another source for a

recommendation. The Board decided to hold the nominations for the citizen-at-large until the above mentioned organizations submit recommendations.

Mrs. Genovese made a motion to waive first review. The motion was seconded by Mrs. Rogers and carried unanimously.

Mr. Goodman made an amended motion to approve the Department of Education's recommendation to appoint the classroom teacher representing non-public schools and one faculty member in a teacher preparation program in a public institution of higher education to the Advisory Board on Teacher Education and Licensure. The motion passed with a vote of 6 to 1.

Dr. Jones requested that the superintendent's name currently up for nomination for the citizen-at-large vacancy not be excluded from further consideration.

The Board asked the Superintendent to report back after additional nominations, including the superintendent's name already submitted, are received for the citizen-at-large vacancy.

First Review of Continued Accreditation of Approved Programs at Eastern Mennonite University, Marymount University, and the University of Virginia

Dr. Elliott also presented this item. During the May 24, 2001 meeting of the Board of Education, the Advisory Board on Teacher Education and Licensure (ABTEL) presented its annual report for the 2000-01 year and recommended that the Board of Education continue accreditation of approved programs at Eastern Mennonite University, Marymount University, and the University of Virginia.

Virginia approved a new partnership agreement with the National Association for the Accreditation of Teacher Education (NCATE) in 1993. The Board of Education approved the partnership that allows a joint State/NCATE team to review the preparation programs at those institutions seeking NCATE accreditation. During the joint visit, representatives of the Virginia Department of Education review teaching area programs approved by the Board of Education for the issuance of an initial teaching license. The NCATE team focuses primarily on the compliance of the school or department of education with national standards. The written agreement accepts this joint review as the basis for Board of Education consideration to continue or deny the Virginia institution's accreditation of approved programs.

During the fall 2000, continuing accreditation reviews were conducted at three institutions. The team reviewing the program was composed of members from Virginia selected by the Department of Education and out-of-state members selected by NCATE.

The Board waived first review. Mrs. Rogers made a motion accept for final review the following: (1) Continue accreditation of the initial preparation program and initial accreditation of the advanced-level programs at Eastern Mennonite University, (2)

Continue accreditation of the initial teacher and advanced-level preparation programs at Marymount University, and (3) Continue accreditation of the initial teacher and advanced-level preparation programs at the University of Virginia. The motion was seconded by Mr. Goodman and carried unanimously.

The resolution reads as follows:

*Resolution of the Board of Education:
Continuing Accreditation of Approved Programs at
Eastern Mennonite University, Marymount University,
And the University of Virginia*

WHEREAS, the Board of Education has the authority to approve programs at institutions of higher education; and

WHEREAS, Virginia has a partnership agreement with the National Association for the Accreditation of Teacher Education (NCATE); and

WHEREAS, during the fall of 2000 continuing accreditation reviews were conducted at Eastern Mennonite University, Marymount University, and the University of Virginia during joint State/NCATE on-site visits; and

WHEREAS, the Unit Accreditation Board of NCATE approved the continuation of the accreditation of the initial teacher preparation level and granted initial accreditation to the advanced level of the professional preparation program at Eastern Mennonite University; and

WHEREAS, the Unit Accreditation Board of NCATE approved the continuation of the accreditation of the initial teacher and advanced preparation levels at Marymount University; and

WHEREAS, the Unit Accreditation Board of NCATE approved the continuation of the accreditation of the initial teacher and advanced preparation levels at the University of Virginia;

NOW, THEREFORE, BE IT RESOLVED by the Board of Education that approval is granted for the continued accreditation of the initial preparation programs and initial accreditation of the advanced-level programs at Eastern Mennonite University; continued accreditation of the initial teacher and advanced-level preparation programs at Marymount University; and continued accreditation of the initial teacher and advanced-level preparation programs.

Adopted in Richmond, Virginia, This Twenty-Sixth Day of July in the Year 2001.

First Review of the Definitions of Low- Performing and At Risk of Becoming Low-Performing Institutions of Higher Education

Dr. Elliott also presented this item. Virginia's Title II reporting plan, approved by the Board on September 28, 2000, only provided a timeline for developing procedures to identify low-performing programs of teacher preparation within the institutions of higher education. The Title II report, due to the U.S. Secretary of Education on October 7, 2001, will include the definition of low performing and at risk of becoming low-performing institutions and the plan to provide technical assistance to these teacher preparation institutions.

The Title II Advisory Panel recommended the following procedures for identifying low-performing and at-risk teacher preparation programs in Virginia:

Recommendation 1: Definition of At-Risk

An institution will be designated at-risk if a recommendation of approval with stipulations is received from the five-year accreditation review. The review will be based on the *Regulations Governing Approved Programs for Virginia Institutions of Higher Education*. These regulations contain 20 standards that address the following four areas:

- professional teacher education program design;
- candidates in professional teacher education programs;
- faculty in professional teacher education programs; and
- operation and accountability of professional teacher education programs.

Recommendation 2: Definition of Low-Performing

An institution will be designated low-performing if improvements have not been made at the end of the one-year after receiving a recommendation of *Approval with Stipulations*. At the end of two years of low-performing status, the institution must be judged *Approved* or be recommended for *Denial of Accreditation* to the Board of Education. Denial of accreditation will be forwarded to SCHEV for appropriate program action.

Recommendation 3: Establishment of Initial Review for Virginia Institutions of Higher Education

All institutions will undergo an initial review. The following criteria will be used to determine at-risk or low-performing status:

- 70% pass rate for the Praxis II Content Assessments;
- information provided on the institution's annual report and Title II data; and
- the institution's preparation to implement the new approved program standards.

Recommendation 4: Procedure to Provide Technical Assistance to Low-Performing Institutions

To implement these program requirements, the following strategies are proposed, if funds are available, beginning July 1, 2003:

- Meet with members of the State Council of Higher Education for Virginia (SCHEV), college and university presidents and provosts regarding strategies for implementing the requirements of Title II;
- Require institutions identified as at-risk and low-performing to develop a self-improvement plan that addresses the weaknesses identified in the accreditation report containing the approval with stipulations recommendation;
- Require institutions identified as low performing to seek assistance of a team to provide guidance to the institution in meeting the approval program regulations; and
- Institute statewide efforts to assist colleges and universities identified as at-risk or low-performing institutions and seek financial provisions to pilot best practices at colleges and universities.

The Board accepted the report for first review with the understanding that the Title II Advisory Panel will continue to review recommendations with the State Council of Higher Education for Virginia, college and university presidents and provosts regarding strategies for implementing the requirements of Title II.

First Review of the Proposed Guidelines for Phase 2 Academic Review Process for Schools Accredited with Warning for a Second Consecutive Year

Dr. Cheri Magill, director of accreditation at the Department of Education presented this item. The purposes of the phase two academic reviews are to provide schools rated Accredited with warning a second time with additional technical assistance in determining factors affecting student performance and to provide the basis for revisions to the three-year school improvement plan required by the SOA. A team of two educators will conduct the academic review for each warned school. The team will review documents, conduct interviews, observe classrooms, and prepare a final report in accordance with the attached proposed guidelines. The final report will become the basis for the school's revisions to its three-year school improvement plan.

Earlier guidelines approved by the Board on November 30, 2000 make provisions for local school boards to request approval of a locally-developed review in lieu of having a review conducted by the Department of Education. The locally-developed review process must meet or exceed the requirements for the Department's review. The approval of locally-developed reviews will be made by the Superintendent of Public Instruction by authority of the Board.

Mr. Christie said schools that are Accredited with Warning in reading or mathematics has to do more than a school improvement plan. These schools are expected to adopt an instructional method with a proven track record of success at raising student achievement in those areas. Mr. Christie suggested that this be amended to the report.

Mrs. Genovese made a motion to waive first review and approve the guidelines addressing the academic review process with the amended suggestions from Mr. Christie and to adopt the resolution. The motion was seconded by Mrs. Rogers and carried unanimously.

The guidelines read as follows:

GUIDELINES FOR CONDUCTING PHASE 2 ACADEMIC REVIEWS
OF SCHOOLS ACCREDITED WITH WARNING
FOR A SECOND CONSECUTIVE YEAR

SECTION I: BACKGROUND

For the school years ending in 2000 through 2003, schools meeting pre-accreditation criteria will be assigned one of the following ratings based upon student performance on Standards of Learning (SOL) tests, on approved substitute tests in the four core academic areas of English, mathematics, science, and history/social sciences, and on the level of performance of students with disabilities on alternate assessments (pertinent section numbers of the accrediting standards are found in parenthesis):

- Fully Accredited;
- Provisionally Accredited/Meets State Standards;
- Provisionally Accredited/Needs Improvement;
- Accredited with Warning (in specified academic area or areas); or
- Conditionally Accredited.

A school will be “Accredited with Warning (in specified academic area or areas)” if its pass rate on any SOL test is 20 or more percentage points below the provisional accreditation benchmarks established by the Board (8 VAC 20-131-300.C.4).

The *Standards of Quality* establish the base for providing assistance to schools accredited with warning. Section 22.1-253.13:3 of the Code authorizes the Superintendent of Public Instruction and the Department of Education to provide technical assistance to schools, and assigns priority to those schools accredited with warning. Technical assistance is designed to focus on helping schools analyze relevant data and to help schools develop and implement corrective action plans.

The *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (SOA), effective as of September 28, 2000 state further:

“Beginning with the 2000-01 school year, schools rated Accredited with Warning must undergo an academic review in accordance with guidelines adopted by the Board ...” (8 VAC 20-131-340.A). It is the responsibility of the Department of Education to develop this academic review process (8 VAC 20-131-310.A).

Schools rated Accredited with Warning must develop and implement a three-year school improvement plan based upon the results of the academic review. The goal of the plan is for the school to attain full accreditation within three years (8 VAC 20-131-310.F). The plan is to be based upon the results of the Phase 1 Academic Review (8 VAC 20-131-310.F) and must include nine specific components (8 VAC 20-131-310.G). The school is required to report annually on its progress in implementing the plan to become fully accredited (8 VAC 20-131-310.H).

Additionally, schools rated Accredited with Warning in English and/or mathematics are expected to adopt an instructional method with a proven track record of success at raising student achievement in those areas (8 VAC 20-131-310.B).

On November 30, 2000, the Board approved guidelines for Phase 1 Academic Reviews. Phase 1 Academic Reviews are conducted in schools rated Accredited with Warning for the first time. The Phase 1 Academic Review process focuses on the following four areas:

- Curriculum alignment with the Standards of Learning
- Use of instructional time and school scheduling practices
- Use of data to make instructional and planning decisions
- Professional development opportunities for staff

Schools use the results of the Academic Review to prepare three-year school improvement plans

SECTION II: PHASE 2 ACADEMIC REVIEWS

A. Purpose

The purposes of the phase two academic reviews are to assist schools in assessing factors affecting student performance; to provide the school with feedback on how its three-year school improvement plan's implementation affects curriculum alignment, use of time and school scheduling practices, use of data to make decisions, and professional development opportunities; and to provide the school with feedback on the effectiveness of the implementation of an instructional method/model/program in English and/or mathematics, if the school is warned in either or both of those areas.

B. Academic Review Team

Two educators will serve on the Academic Review Team assigned to a school accredited with warning. One of the team members will be from the regional Governor's Best Practice Center or other Department of Education staff. Other team members will be educators meeting criteria established by the Department of Education. All educators serving on Academic Review Teams will have participated in a training program qualifying them to serve on such teams. Schools will be given the opportunity to confirm the members of the team and may, with good cause, request a substitution of a team member.

C. Academic Review Process

The Phase Two Academic Review consists of three parts: review of documents, interviews and classroom observations, and writing of the final report. The Review will focus on the school's three-year school improvement plan, specifically:

- the degree to which it incorporates the findings of the Phase 1 Academic Review conducted the previous year;
- the degree to which it addresses the components of 8 VAC 20-131-310G;
- the degree to which the plan has been implemented; and
- the degree to which data have been collected to determine the effectiveness of the implementation of the plan.

For schools warned in English and/or mathematics, the Academic Review Team will investigate and provide the school with feedback regarding:

- the status of adoption of an instructional method/model/program;
- the degree of implementation of the model in classroom instruction; and
- use of data to monitor student achievement throughout the model's implementation.

The Academic Review Team will collect and analyze data using forms provided by the Department of Education.

Part 1: Review of Documents

Upon receiving their school review assignments, Academic Review Team members will use the Internet to download pertinent information about the school, and include, at a minimum, the SOL test results and School Performance Report Card. When on-site, the team will review documents which include, but are not limited to, the following:

- Final Report from the Phase 1 Academic Review
- Three-year School Improvement Plan
- Curriculum materials
- Data collection and analysis instruments
- Master schedules and bell schedule
- Staff development descriptions and schedules
- Minutes from faculty, departmental, grade level, school improvement team meetings
- Information regarding the instructional method/model/program adopted by the school (for schools warned in English and/or mathematics)

Part 2: Interviews and Classroom Observations

Initial interviews are conducted with the principal and the superintendent/designee and with teachers. These interviews are well structured and are designed to give the Academic Review Team insight into the strengths and weaknesses of the school improvement plan and its implementation. Team members may conduct additional less structured interviews throughout the visit to help clarify information made available to them. To the extent possible, sources of information obtained during these interviews are kept confidential.

Team members will observe classrooms of those core areas in which the school is accredited with warning. The purpose of these observations is NOT to evaluate the teacher as instructor, but rather to gain more in-depth information about the degree to which the taught curriculum aligns with the written curriculum, and how instructional time is managed. Data collection forms provided by the Department of Education specify the classroom observation data to be recorded and analyzed.

Team members will compile the results of the data gathering process. They will confer on their findings and prepare the preliminary report for the principal and superintendent. Team members then will conduct an exit interview with the principal, superintendent/designee, and others at the discretion of the principal. The purpose of this exit interview is to discuss with those present the preliminary findings of the Academic Review Team.

Prior to departing, the Academic Review Team will provide the school principal with a set of evaluation forms. These evaluations form will provide feedback on the Phase 2 Academic Review process and will be completed by those participating in interviews and classroom observations. Results of these evaluations will be analyzed and reported on by accreditation staff.

Part 3: Preparation of the Final Report

The final report will consist of three sections: areas of strength, areas for improvement, and recommendations for improvement planning. Academic Review Team members must agree on the content of the final report. The team leader will be responsible for typing a draft of the final report in the format provided by the Department of Education. This draft will be presented to and discussed with the school principal and superintendent during the exit interview. The principal will be given two business days to respond to the draft of the final report, and the Academic Review Team members may make changes to the draft based upon the principal's response.

The team leader will be responsible for completing the final report within five business days of the exit interview. Copies of the final report will be returned to the school, to the superintendent, to the regional Governor's Best Practice Center, and to the Office of Accreditation at the Department of Education.

The final report will become the basis of the school's revisions to its three-year school improvement plan. The goal of the plan will continue to be to have the school reach full accreditation status.

SECTION III – LOCALLY-DEVELOPED ACADEMIC REVIEWS

The Board of Education will not waive the requirement of an academic review for schools accredited with warning. The Board may approve the use of locally-developed academic reviews upon the request of local school boards provided the locally-developed reviews meet or exceed the requirements for reviews conducted by the Department of Education as outlined in these guidelines. Individuals who conduct locally-developed reviews may not be employees of the Department of Education and their qualifications must meet or exceed those of individuals who serve as independent contractors for the Department for the purpose of conducting academic reviews.

Requests for approval of locally developed reviews submitted to the Board must include, at a minimum, the following documentation:

- A listing of individuals who will conduct the review.
- The scope of the review.
- Dates of the review.
- Certification from the division superintendent that the review will meet or exceed the requirements for academic reviews adopted by the Board.

Requests for approval of locally developed reviews must be submitted to the Superintendent of Public Instruction, who, by authority of the Board of Education, shall review and approve or disapprove those requests.

Upon completion of the locally-developed review, the division superintendent shall submit a copy of the final report provided by the reviewer to the Office of Accreditation, Department of Education, and comply with the remaining provisions of 8 VAC 20-131-310 of the accrediting standards.

The resolution reads as follows:

*Resolution of the Board of Education:
Governing the Academic Review of Schools Rated
Accredited with Warning for a Second Consecutive Year*

WHEREAS, the Board of Education adopted revised *Regulations Establishing Standards for Accrediting Public Schools in Virginia* on July 28, 2000, that became effective September 28, 2000, ("accrediting standards"); and

WHEREAS, the Board of Education expects students and Virginia's public schools to meet high expectations for a school to achieve a rating of Fully Accredited by the 2006-07 school year; and

WHEREAS, the Board of Education, in the accrediting standards, has adopted provisional accreditation benchmarks which will be in effect until the 2002-03 school year for schools not meeting the requirements to be rated Fully Accredited; and

WHEREAS, the Board of Education, in the accrediting standards, made provisions for schools that do not meet the requirements to be rated Fully Accredited or Provisionally Accredited to be rated Accredited with Warning (in specific academic area or areas); and

WHEREAS, the Board of Education, in the accrediting standards, requires that schools rated Accredited with Warning (in specific academic area or areas) undergo an academic review of the subjects where the warning occurs; and

WHEREAS, the Board of Education is required to approve the process for the academic review of those schools accredited with warning; and

WHEREAS, the Board of Education, on November 30, 2000 approved the process for the academic review of those schools accredited with warning for a first time;

NOW THEREFORE BE IT RESOLVED THAT the Board of Education approves the process developed by the Department of Education as described in the document entitled *Proposed Guidelines for Conducting Phase 2 Academic Reviews of Schools Accredited with Warning for a Second Consecutive Year*; and *BE IT FURTHER RESOLVED THAT* the Board of Education delegates to the Superintendent of Public Instruction the authority to approve requests from local school divisions to conduct locally-developed Phase 2 reviews in accordance with procedures outlined in the guidelines; and

BE IT FINALLY RESOLVED THAT these guidelines be included in the Board of Education's document titled *Guidelines Governing Certain Provisions of the Regulations Establishing Standards for Accrediting Public Schools in Virginia (8 VAC 20-131-10 et. seq.)* adopted November 30, 2000.

Adopted in Richmond, Virginia, This Twenty-Sixth Day of July in the Year 2001.

Final Review of a Request for A Waiver of a Provision in the Regulations Establishing Standards for Accrediting Public Schools in Virginia

Mr. Finley presented this item and reviewed the request with the Board. The Pulaski County School Board is seeking a waiver of the provision in 8 VAC 20-131-90.C. of the accrediting standards that requires level one of a foreign language to be available to eighth graders as part of the middle school instructional program. The school board has cited a number of issues in its rationale for the request for a waiver including: budgetary constraints and low enrollment in foreign languages in the middle schools; the availability of a number of options at the high school; concerns with meeting the 140 clock hours of instruction required for credit-bearing courses; and the lack of opportunities to pursue other course offerings for students who choose to take a foreign language.

The state superintendent of public instruction's recommendation is that the Board denies the request. Dr. DeMary stated two reasons for denying the request. She said it is very difficult as a state superintendent in this day of distant learning and internet courses to recommend that a student in the public schools of Virginia not have the opportunity to take a foreign language at middle school if they wish to do so. There are twenty middle schools in the state who are providing this option for young people through distant learning. Therefore, as an instructional person she has a problem with this waiver. Dr. DeMary said the second reason she is denying the request is because she feels it is not the intent of the Board of Education to micromanage schools as they began to put together their master schedules as it relates to what courses make and what courses don't make. She said that certain criteria should be set before the master schedule is put together and if the criteria is not met the course should not be offered.

Mrs. Genovese made a motion to deny the request. The motion was seconded by Mrs. Rogers and carried unanimously. The resolution to deny the request reads as follows:

*Resolution of the Board of Education
Governing Action on a Request for a Waiver of a Provision
of the Accrediting Standards from the Pulaski County Public Schools*

WHEREAS, the Standards of Quality for Public Schools, in ' 22.1-253.13:1 of the *Code of Virginia* set the required program of basic skills that must be offered in the public schools in Virginia; and

WHEREAS, the Board of Education, in 8 VAC 20-131-90 of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, requires that level one of a foreign language be available to all students in the eighth grade in middle schools; and

WHEREAS, until 1999, these staffing requirements were found only in the accrediting standards, in 8 VAC 20-131-330, permit the Board of Education to grant waivers of certain provisions of the standards based on the submission of a request from the division superintendent and chairman of the local school board; and

WHEREAS, the division superintendent and chairman of the school board of the Pulaski County Public Schools have submitted a request for a waiver of a provision in 8 VAC 20-131-90 of the accrediting standards that requires level one of a foreign language be available to all students in the eighth grade in Virginia's middle schools; and

WHEREAS, the division superintendent and chairman of the Pulaski County School Board have provided documentation they believe supports the request for the waiver; and

WHEREAS, the division superintendent and chairman of the Pulaski County School Board carefully considered the level of services available to educate children in the county and believe that students have ample opportunity and more options available to receive instruction in foreign languages at the high school level;

BE IT RESOLVED THAT *the Board of Education, after reviewing the documentation and considering the request, denied the request for a waiver.*

Adopted in Richmond, Virginia, This Twenty-Sixth Day of July in the Year 2001.

First Review of Nominations for Appointments to the Virginia Advisory Committee for the Education of the Gifted

Dr. Barbara McGonagill presented this item to the Board. The Virginia Advisory Committee for the Education of the Gifted was established by the Board of Education in 1982 to provide the board and the Superintendent of Public Instruction with recommendations regarding the educational needs of gifted students, K-12. The committee presents an annual report to the Board of Education in the spring that summarizes the findings and recommendations regarding the issues studied during that two-year term. Twelve appointments are requested for the September 1, 2001-June 30, 2004 term.

The Board waived first review. Mrs. Genovese made a motion to accept the nominations as presented on behalf of the Virginia Advisory Committee for the

Education of the Gifted and adopt the resolution. The motion was seconded by Mrs. Rogers and carried unanimously.

The resolution reads as follows:

*Resolution Of The Board Of Education:
Appointment Of Twelve New Members To The Virginia Advisory Committee
For The Education Of The Gifted*

WHEREAS, the Board of Education established the Virginia Advisory Committee for the Education of the Gifted in 1982; and

WHEREAS, the Virginia Advisory Committee for the Education of the Gifted provides the Board of Education and the Superintendent of Public Instruction with recommendations concerning the education of gifted students throughout the commonwealth; and

WHEREAS, the members of the Virginia Advisory Committee for the Education of the Gifted serve three-year terms; and

WHEREAS, twelve positions on the Virginia Advisory Committee for the Education of the Gifted are currently vacant;

NOW, THEREFORE, BE IT RESOLVED that the Board of Education will appoint the following members to serve on the Virginia Advisory Committee for the Education of the Gifted for the term September 1, 2001 – June 30, 2004:

L. Frances Brown, Chesterfield County, Virginia; Virginia Academy of School Psychologists
Margaret A. Cox, Sterling, Virginia; Virginia Parents and Teachers Association
Dr. Elizabeth Daniels, Portsmouth, Virginia; Virginia School Boards Association
Harriet Dawson, Gloucester, Virginia; At Large Member
Jane Freeman, Charlottesville, Virginia; Gifted Education Coordinator
Jennifer Green, Winchester, Virginia; Higher Education
Janice G. Leslie, Herndon, Virginia; Virginia Association of Secondary School Principals
Dr. David D. McKinneh, Richmond, Virginia; Virginia Museum of Fine Arts
Rebecca E. Mills, Spotsylvania, Virginia; Virginia Middle School Association
Valerie Lewandoski Perz, Alexandria, Virginia; Virginia Education Association
Dr. Dorothea Shannon, Prince George County, Virginia; Virginia Association of School Superintendents
C. Earl Snyder, Newport News, Virginia; Business and Industry

Adopted in Richmond, Virginia, This Twenty-Sixth Day of July in the Year 2001.

First Review of Proposed Board of Education Meeting Dates for January-November 2002

The Board accepted the proposed meeting dates for January-November 2002 for first review. This item will be included on the consent agenda at the September 26, 2001 meeting of the Board of Education.

Final Review of Revised Curriculum Framework for History and Social Science

The Virginia General Assembly, in 2000, directed the Board of Education to establish a cycle for periodic review and revision of the Standards of Learning. Pursuant to that legislation and in response to issues raised by the public, the Board of Education in June 2000 appointed a Task Force comprised of Board members, legislators, and community representatives in addition to social studies educators to direct the review of the History and Social science Standards of Learning. Review committees of social studies educators revised the standards consistent with recommendations made by the Task Force. The revised History and Social Science Standards of Learning were approved by the Board of Education following a public comment period.

When the Standards of Learning for History and Social Science were revised and approved by the Board of Education in March 2001, it became necessary to revise the Curriculum Framework, formerly named the Teacher Resource Guide, for those standards. The Task Force directed the review committees to revise the 1999 History and Social Science Standards of Learning Curriculum Framework to ensure that both the standards and the supplemental teacher resource reflect current scholarship, identify essential content knowledge and skills, and address the academic needs of Virginia students.

The History and Social Science Standards of Learning, amplified by the Curriculum Framework, defines the content knowledge and skills that are measured by the Standards of Learning tests. The Curriculum Framework provides additional guidance to school divisions and their teachers as they develop an instructional program appropriate for their students. It assists teachers as they plan their lessons by framing essential questions, identifying essential understandings, defining essential content knowledge, and describing the intellectual skills students need to master.

Public hearings were held at two locations in the state on June 4, 2001. After the public hearings were held the Management Committee met with the Board to consider recommendations and comments made by the public. The recommendations of that meeting were incorporated into the proposed revised Curriculum Framework for the Revised History and Social Science Standards of Learning.

Prior to opening the floor for discussion on this item, Mr. Schroder announced to the audience that the Board will go through the document presented by the state superintendent of public instruction, and will have the opportunity to make amendments or revisions to the document. After the Board has reviewed the entire document, public comment will be heard from anyone who wishes to speak. After public comment, the item of the Proposed Curriculum Framework for History and Social Science will be brought back, giving Board members another opportunity to include any amendments or changes. After which, the Board will make a final vote on the document.

Mr. Schroder opened the floor for the Board of Education's discussion on this item. Following are changes/amendments for the Proposed Curriculum Framework for

History and Social Science Standards of Learning suggested by Board members. The new language is shown in *Italics*.

Mr. Christie made a motion for DOE staff to make typographical and stylistic changes as necessary. The motion was seconded by Mrs. Genovese and carried unanimously.

KINDERGARTEN INTRODUCTION TO HISTORY AND SOCIAL SCIENCE

No changes or amendments.

GRADE ONE INTRODUCTION TO HISTORY AND SOCIAL SCIENCE

No changes or amendments.

GRADE TWO INTRODUCTION TO HISTORY AND SOCIAL SCIENCE

Page 9 (Standard 2.8) – Essential Knowledge

Mr. Goodman made a motion to delete credit cards. The motion was seconded by Mrs. Genovese and carried unanimously. The new language will read as follows:

Terms to know

- Barter: The exchange of goods and services without the use of money.
- Money: Coins, paper bills, and checks used in exchange for goods and services.*

GRADE THREE INTRODUCTION TO HISTORY AND SOCIAL SCIENCE

Pages 7 and 8 (Standard 3.5)

The Board made a motion to substitute the term “continent” for “hemisphere” under Essential Questions and Essential Knowledge. The motion was seconded and carried unanimously.

VIRGINIA STUDIES - 4TH GRADE

Page 39 (Standard VS: 9c)

Mr. Christie made a motion to add Arthur Ashe to Essential Questions and Essential Knowledge. The motion was seconded by Mrs. Rogers and carried unanimously.

UNITED STATES HISTORY TO 1877 - 5TH GRADE

There were no changes or amendments.

UNITED STATES HISTORY: 1877 TO THE PRESENT - 6TH GRADE

There were no changes or amendments.

CIVICS AND ECONOMICS - 7th GRADE

Page 7 (Standard CE.3b)

Mr. Christie made a motion to make the following change under Essential Knowledge:

- Religion—Government may not establish an official religion, nor endorse or unduly interfere with the free exercise of religion.*

The motion was seconded by Mr. Goodman and carried unanimously.

Page 27 (Standard 8a)

Mr. Goodman suggested the following changes under Essential Knowledge:

Court of Appeals of Virginia

- Appellate jurisdiction *from circuit courts*.

Circuit Court

- Original jurisdiction for *felony* criminal cases and civil cases over \$1,000
- Appellate jurisdiction *from district courts*.

Juvenile and Domestic Relations *District Court*

WORLD HISTORY AND GEOGRAPHY TO 1500 A.D. - 8TH GRADE

There were no changes or amendments.

WORLD HISTORY AND GEOGRAPHY: 1500 A.D. TO THE PRESENT - 9TH GRADE

Page 48 (Standard WHII.11b)

Mrs. Genovese made a motion to change the wording under examples of other genocides to *Armenians by leaders of the Ottoman Empire*. The motion was seconded by Mr. Goodman and carried unanimously.

WORLD GEOGRAPHY - 10TH GRADE

There were no changes or amendments.

VIRGINIA AND UNITED STATES HISTORY - 11TH GRADE

Page 18 (Standard VUS.5b)

Mr. Christie made a motion to change the chronological order of Standards VUS. 5b, 5c, and 5d. The motion was seconded by Mrs. Genovese and carried unanimously.

Page 43 (Standard VUS.8a)

Dr. Jones made a motion to delete the statement under immigrants and replace it was a section from the 1999 Resource Guide. The motion was seconded by Mr. Christie and it carried unanimously.

Page 44 (Standard VUS.8b)

Mr. Christie made a motion to insert a list of industrial leaders from the 1999 Resource Guide under Essential Knowledge and in parenthesis insert the name of the company. The motion was seconded by Mrs. Genovese and carried unanimously.

Page 46 (Standard VUS.8c)

Mr. Schroder asked the staff to make the following change under Essential Knowledge:

W.E.B. Du Bois believed that education was meaningless without equality. He supported political equality for African Americans (formation of *National Association for the Advancement of Colored People*).

Page 87 (Standard VUS.14c)

Dr. Jones made a motion to expand the Essential Knowledge content to read as follows:

In the early 1960's, President John Kennedy pledged increased support for the American space program. The race to the moon continued through the 1960's when *American Astronaut, John Glenn orbited the earth in (staff to locate the exact year)*. In 1969, *American Astronaut, Neil Armstrong, was the first person who stepped on the moon's surface and proclaimed, "That's one small step for a man, one giant leap for mankind."*

The motion was seconded by Mr. Christie and carried unanimously.

Mr. Christie made a motion to add the following under Essential Knowledge—Changes in work/school health care:

Break through in medical research, including the development of a vaccine for polio by Dr. Jonas Salk.

The motion was seconded by Dr. Jones and carried unanimously.

VIRGINIA AND UNITED STATES GOVERNMENT - 12TH GRADE

There were no changes or amendments.

PUBLIC COMMENT

The following persons spoke during public comment:

Jeanne Chapman
Richard Kervorkiam
Bedros Bandazian
Can Korman
Yasar Ozcan (statement read by Can Korman)
Oya Bain
Anne Norris
Ben Boronian

Final Review of Revised Curriculum Framework for History and Social Science
(continued)

Mr. Christie made a motion to give Board members the opportunity to reconsider their vote on which they adopted the amendment to WH2 11b. Mrs. Rogers seconded the motion. Mr. Schroder, Mr. Christie and Mrs. Rogers voted in favor of the motion to reconsider. Mr. Goodman, Mrs. Genovese, Mrs. Davidson, and Dr. Jones voted to oppose the motion to reconsider. The motion failed with a vote of 4 to 3.

Mr. Christie made a motion that the Board of Education adopt the Proposed Revision of the Curriculum Framework for the Revised History and Social Science Standards of Learning. Mrs. Davidson seconded the motion and it carried unanimously.

Mr. Christie expressed his appreciation to everyone who served on the task force. Mr. Christie said this did not just include the management team, but also included the scores of teachers, educators, and citizens who gave so much of their time to work on the document. Mr. Christie gave special thanks to Carol Simopoulos, Henrico County Public Schools, who led in the effort to redo the section on K-3; Thelma Williams-Tunstall, Richmond City Public Schools, who led in the effort to redo the section on U. S. History and Virginia History; and Loretta Hannum, Williamsburg-James City Public Schools, who led in the effort to redo the section on Geography.

Mr. Christie said this is an outstanding document for improving and continuing to improve the study of history and social studies in Virginia. Mr. Christie said so many people think of this as just the history SOLs, but, it is history, geography, civics, and economics. Mr. Christie said it gives an excellent, minimum framework to build a rich curriculum for Virginia's students. Mr. Christie challenged anybody who wants to criticize the document to come forward with a better set of standards and curriculum

framework from any state in America that is better. Mr. Christie said he thinks these were the best set of standards in 1995 in the United States and are the best set of standards in the United States in 2001.

Mr. Schroder commended the members of the Turkish community for their class and the way they conducted themselves throughout the development of the document. Mr. Schroder said they are true and great representatives of their people.

Mr. Schroder said this is an outstanding document that everyone involved should be proud of. Mr. Schroder said every history teacher he has spoken with has said the Standards of Learning have done more to elevate the quality of history that is being taught in our public school system.

Mr. Schroder thanked Dr. DeMary and her staff at DOE for doing such an outstanding job. Mr. Schroder also recognized everyone who served on the management committee, advisory committee and writing committee.

Mr. Christie made a motion that the Board of Education adopt the Proposed Revision of the Curriculum Framework for the Revised History and Social Science Standards of Learning. Mrs. Davidson seconded the motion and it carried unanimously.

Mr. Christie made a motion directing the Superintendent of Public Instruction to: (1) immediately create a document identifying the common content between the old standards and the new standards to be distributed to public schools for this academic year and (2) as the new standards are phased in, which will be on a two-year cycle, the assessments in all of the history SOL areas solely focus on common content. The motion was seconded by Mrs. Rogers and carried unanimously.

The resolution reads as follows:

*Resolution on the Revised History and Social Science
Standards of Learning Curriculum Framework*

WHEREAS, in March 2001, the Board of Education approved the revised History and Social Science Standards of Learning and requested a review of the companion 1999 History and Social Science Teacher Resource Guide; and

WHEREAS, the History and Social Science Teacher Resource Guide was revised primarily in two specific areas: (a) sequencing for effective instruction and assessment and (b) quantity of material for effective teaching within available instructional time; and

WHEREAS, the History and Social Science Teacher Resource Guide has been supplemented to recognize additional contributions and experiences of men and women of diverse racial, ethnic, cultural and religious groups in the history of Virginia, the United States and the world; and

WHEREAS, the Board has conducted public hearings on the revised Teacher Resource Guide for the History and Social Science Standards of Learning and comments from those hearings have been incorporated into the final document; and

WHEREAS, the name for the Guide has been changed to Curriculum Framework to reflect the intended use of the document for school divisions; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Education that the revised Curriculum Framework for the History and Social Science Standards of Learning will be approved for implementation in Virginia's public schools.

Adopted in Richmond, Virginia, This Twenty-Sixth Day of July in the Year 2001.

DISCUSSION OF CURRENT ISSUES

There was no discussion of current issues.

ADJOURNMENT

There being no further business of the Board of Education and the Board of Vocational Education, Mr. Schroder adjourned the meeting at 5:40 p.m.

President

Secretary